



Rainbow Communities Tasmania Inc.

Annual Report 2022-2023

Introduction

I am happy to report that, as a state peak advocacy organisation, the work done by Rainbow Communities Tasmania Incorporated (RCT Inc.) in returning the organisation to its resources, original terms of reference and objectives is now complete.

The funding guidelines and governance have now established that our resources and objectives in protecting and providing a voice to the LGBTIQ+ communities locally, nationally and internationally are re-dedicated to this critical purpose and intent. This has required restoring the Application and Guidelines for RCT Inc. funding to their original composition.

Our membership has substantially increased and the Secretary, Brian Doran has established an active group of friends who support our active pursuit of issues that oppose any discrimination and improve our position as acknowledged, respected and celebrated members of the our local, national and international communities.

We are very grateful to Jo Goodman who, as a dedicated volunteer, has restored and renewed the Rainbow Communities Tasmania Website at <https://www.rainbowtas.org/> Jo has been a long-standing executive member of RCT Inc. Her restoration of the website has been a major work. Thank you Jo.

Unfortunately, during the period of rejection and compliance of our advocacy role and the considerable funding that had been given for specific application to social issues; some considerable amounts of funding were misappropriated for areas not intended in the fundraising of RCT Inc. through the Coming Out Proud Program and the League of Gentlefellows catered Safe Space social functions. This lack of compliance is regrettable but is now at an end as we return to the following projects funded by RCT Inc.:

- Suicide prevention
- Racist-based homophobia
- Support for SOGI international communities
- LGBTI+ youth and elderly communities
- Engaging councils and organisations in LGBTIQ+ cultural awareness, anti-discrimination training and local programs of support
- Safe Space social functions and sponsorship
- Ending the terrible abuse of conversion therapy.

During covid we have increased our activities through virtual meetings and advocacy activity. This has included the following activities:

- Rural Week LGBTI+ Cultural Awareness training for second year medical students in five regions, developing a gay-friendly medical model
- Reviving the Coming Out Proud Program (COPP) in several municipal areas commencing in Kingborough and the Huon Valley areas
- Support and engagement of sexual orientation and gender identity (SOGI) diverse people and the UN Independent Expert (IE) in the 72 countries that still execute, imprison, persecute and torture them

- Engagement in the “religious freedom” debate following the “marriage equality” debate with advocacy support for the sections of the LGBTIQ+ communities that took the brunt of the homophobia that increased in the general communities at every level during this period.

RCT Inc. Submission to UN SOGI Independent Expert, Victor Madrigal-Berloz

RCT Inc., through the President Julian Punch, In conjunction with the work of the Oxford University Refugees Centre on Forced Migration Review Issue 42 April Sexual Orientation Gender Identity and the Protection of Forced Migrants*, details that while LGBTIQ+ people form on average 10% of the population; in the forced migration populations it may reach twice this figure.

The report also details the post-traumatic health disorder in the population caused by the significant mental health pressure of their situation. RCT Inc. has developed a national involvement in the 72 countries that execute, imprison, torture and persecute SOGI diverse people. The 1951 Refugee Convention and its 1967 Protocol Guidelines on International Protection No. 9: based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention relating to the Status of Refugees, are the key legal documents that form the basis of our work.

* <http://www.fmreview.org/sogi>

Following an invite from a SOGI person and seven visits to Bangladesh to learn of the situation and an understanding of the issues that these people face and how to work with SOGI forced immigrants from these countries and the daily contacts supporting people, it is noted that they are in constant fear for their lives, unable to escape their country of origin nor able to openly share a relationship with another person of the same sex. Daily we are hearing/sharing the distress of the fear and reality of forced arranged marriages of SOGI people to an ‘opposite’ sex person and the honour killings by family members of their SOGI relatives following failure.

It has also led to understanding the development of a Code of Safety and Security for anyone working in this area. We have seen breaks in this practice lead to the execution and honour killing beheadings by careless workers. Every SOGI person from these countries observes a total secrecy about their personal or family details. It also means that they are unable to form open relationships or meet for social purposes.

It is also impossible to process humanitarian or protection visas in their home countries given life-threatening retaliation. UN Commissioners, Chris Sidoti and Brian Burdekin have supported us from the start of our visits and our fundamental commitment to this international endeavour. The failure of Australia to recognise our international commitment to the UN Human Rights Convention on Asylum Seekers and the particular protocol for SOGI people, has meant no support for SOGI asylum seekers and Australia's denial of them receiving permanent protection visa, as well as punishing them and placing them in detention and the later transfer to overseas detention centres on Christmas , Nauru and Manus Islands.

Our unique involvement and work with SOGI people:

- Assists them as SOGI people in their country of origin to develop and understand their sexuality
- Assists with humanitarian visas to Australia

- Assists them in fleeing their country of origin (pathway to freedom) as required for their situation as refugees, e.g. UN humanitarian visas, student visas, partnership visas, etc.
- Assists them to gain protection visas if they reach Australia.

All this work and the lessons learned have led to developing and supporting our submission to the UN SOGI Independent Expert (IE), Victor Madrigal-Berloz. It is underpinned by our contacts in the 72 countries forming peak consultants who developed detailed proposals as follows:

1. RCT Inc.'s first basic request is that ***the UN Independent Expert recommends that every UN Country Team has a designated SOGI focal point (Officer) who is named and promoted on the UN country website, with contact details provided***
2. Secondly, from our growing experience we also want to request that ***the IE devote one of his periodic reports to the Human Rights Council or to the General Assembly to the issue of international protection for persons who experience, or are at risk of, persecution on the basis of their SOGI.*** The report could draw on the experiences of those SOGI people who are in touch with RCT Inc. The report could examine:
 - Why international protection is required
 - The responsibilities of UN entities, like UNHCR
 - The responsibilities of individual States.
3. Thirdly, understanding that the IE also has a function of following up on individual complaints, He transmits urgent appeals and letters of allegation to States with regard to cases of violence and discrimination against persons on the basis of their sexual orientation or gender identity. While we understand that this is a subject of dangerous and life-threatening implications for the complainant, given that the IE can't transmit an urgent appeal or letter of allegation without naming the person at risk and yet naming the person can increase the risk immeasurably. From our experience we would request ***the IE seek additional guidance as to how this function can be exercised in the context of SOGI where the risks are so great if persons are identified.***
 - What avenues are there to perform this function without identifying individuals at risk?
 - What re-assurance can be given to complainants that complaining to the IE will not make their situation worse?
 - A guidance note that addresses these issues would be of assistance to the individuals concerned and would also assist the IE to perform his mandate more effectively. In normal life the issue of 'sanctuary' is critical.
 - We would also add that this is the situation that all SOGI people seeking Humanitarian or Protection visas face in their home countries as well as 'honour' killings' in their planning and execution cross over national boundaries.
 - It is also an issue of importance in the training and credentialing of anybody working with SOGI people from the 72 countries in question. In our organisation I am responsible independently and secretly for the SOGI work in the 72 Countries. We have had some instances where information on SOGI people has leaked out of 'diplomatic' International organisations with terrible consequences.

4. We have discussed in detail the position and mandate of the Independent SOGI Expert as defined on his website and the video to SOGI people we are in contact with, that they are of necessity legalistic and the video western stylised, and very difficult if not impossible to comprehend for the standard SOGI person. ***They need some shorter, more readable version that people from different language bases can understand in their required pathway to freedom.***



UN SOGI Independent Expert (IE), Victor Madrigal-Berloz

Our work has unfortunately been turned upside down by the International Pride Festival Human Rights Conference Committee, who initially expressed interest in sponsoring scholarships to the HR Conference for our country representatives in carrying out a presentation of our work in the 76 countries. Unfortunately, despite the interest and our work, the selection panel turned down the offer but accepted a major presentation by the UN Independent Expert. So much for their stated goals of access and equity.

Tasmanian University Students Association

The work of RCT Inc. in this nationally significant work has been assisted and supported by the Pride Foundation in Sydney with funding offered to establish a peer support group. Following this offer, RCT Inc. and the Tasmanian University Student Association (TUSA) proposed to collaborate to create a peer-led support group for LGBTQIA+ refugees and international students at the University of Tasmania.

Unfortunately, the TUSA Students Association limited the potential group to students who openly identified as SOGI which, given the fear of honour killings for students both while students in Australia from their ex-patriate communities here, and their connections back to the 76 countries, was totally unrealistic. The group has not emerged from a welfare only arrangement with Working It Out to provide counselling to overseas students as requested.

We note that although international students are a broad category, in practice it would be difficult to differentiate students who have come to Australia under a student visa to flee persecution from those who have only come to study.

We also note the importance of privacy to prevent harm to students whose families and home authorities are not aware of their LGBTQIA+ identity. As a result of this, the importance of informed consent and autonomy of students to choose at what level they are involved, will be imperative. The student-led peer-support group would need to be established in consultation with Working It Out Tasmania, Hobart Migrant Centre, Refugee Legal Service and any other relevant community organisations to ensure cultural sensitivity and privacy.

Depending on the amount of student interest found in Stage One, TUSA will facilitate RCT Inc. in identifying interested students, as well as identifying potential facilitators for the peer-led support group. Again this has not eventuated.

Kingborough Council LGBTIQ+ Survey and Plan

In mid-2022, Kingborough Council, in the interest of creating a community that is inclusive, safe and respectful for all, called for nominations for a LGBTIQ+ engagement working group to help us plan for, undertake and analyse the feedback from engagement to better inform Council about the issues, concerns and needs faced by members of our LGBTIQ+ communities. On behalf of RCT Inc. members in the municipality, I applied to be and was accepted as a member of the working group as we identified as a LGBTIQ+ advocacy body to the LGBTIQ+ communities.

There were about four meetings during 2022-23 in which we reviewed the issues and needs in the municipality as well designing a survey and a resulting plan to Council. I explained at the start that RCT Inc. had an arrangement with over 20 Tasmanian councils (as approved by the Local Government Association of Tasmania (LGAT)) with the Coming Out Proud Program (COPP), which in Kingborough very successfully appointed a Liaison Councillor and developed and evaluated an anti-discrimination plan for the municipality which would together develop strategies that will enable gay, lesbian, bisexual, transgender and intersex people in this region to live in their community with dignity as fully respected and participating members.

It was agreed that this project has been the first major engagement with the Kingborough LGBTIQ+ community since the establishment of the Kingborough/Huon Valley Coming Out Proud Program Liaison Committee and appointment of a Liaison Councillor. Council has committed to work with the community to ensure fulfilment of items on the action plan and to investigate the formation of a Diversity and Inclusion Reference Group to inform Council on matters to ensure inclusion and access, including the implementation of the LGBTIQ+ action plan.

At the Council meeting to endorse the plan as developed, Liberal-endorsed Councillor Antolli and his Liberal colleague opposed the plan and denigrated it in both planning and concept. Being the only LGBTIQ+ member and person at the meeting, I complained and asked for a meeting with the Mayor and Councillor Antolli. At that meeting I explained that I was distressed at the Councillor's comments and requested that he apologise to Council and our community. As no apology by Councillor was forthcoming, the Mayor graciously apologised to our community but in the absence of a "voice", we will not have much participation in the plan.

We have however, submitted a request for the rainbow flag to be flown from the Council flagpole, along with a diary of respective dates for the community sections. We have stated that we would be prepared to purchase the flag/s but suggested that it would be appropriate and less discriminatory if Council purchased the flags, as it had already arranged a few years ago to do this for the Aboriginal communities in the municipality.

I would also suggest that we need to request local LGBTIQ+ representatives also be involved in the cultural awareness training of councillors and staff by Working It Out, as this will ensure the training reflects the needs and aspirations of our local communities. The whole exercise indicated a strong lack of understanding about anti-discrimination legislation but there was strong resistance to engage the Tasmanian Anti-Discrimination Commissioner's Office in this regard.

Conversion Therapy

RCT Inc. has supported several people in their meetings with Tasmanian Archbishop, Julian Porteous. Despite supporting these people in their matters of concern including sexual abuse by the clergy, we have raised the issue of “conversion therapy” that he supports for LGBTIQ+ people. We have stated to him the terrible damage including cases of self-harm and suicide caused in our communities by the Archbishop's protection and subsidy of this archaic practice, including his enforced moral code in all Catholic schools and his insistence that that LGBTIQ+ sexuality is immoral, unnatural and decadent.

Archbishop Julian Porteous has pushed back against the Tasmanian Law Reform Institute (TLRI) publication of a 300-page report that suggested a ban on conversion therapy in the Australian island state of Tasmania. Advocates argued that if the practice is not banned, Tasmania will become a magnet for those who use these discredited techniques. Calls for a ban on conversion therapy in Tasmania are causing a disagreement between the Archdiocese and human rights experts. As well, it is being resisted by students and their parents in planned protests against the Archbishop in his lectures against same-sex love and marriages. We are engaged with a colleague, Peter Confeggi, in our endeavours in this area.

Gay Hate Crime Review and Reform

Julian Punch and Brian Doran of RCT Inc. turned to the state's Anti-Discrimination Tribunal after enduring seven years of hatred, violence and abuse by former neighbour, Benedict King, and after several restraint orders against their attacker had failed. This resulted in an Anti-Discrimination Tribunal decision that ordered Julian and Brian be compensated for homophobic harassment and vilification and be awarded \$6,000 in compensation. They were unable to be compensated for the physical violence and street car driving attacks.

After the Anti-Discrimination Commissioner was unable to enforce the decision, the item was registered in the Supreme Court and a caveat on Mr King's family home was taken out in the Land Deeds and Titles Office. Seven years later, in February 2023, Julian and Brian finally received the \$6,000 compensation payment plus interest.



The screenshot shows an ABC News article. The headline reads: "Julian and Brian fought for years to have their discrimination case heard and to be compensated for homophobic harassment". The article is by Loretta Lohberger, posted on Friday, 3 March 2023 at 6:01 am, and updated on Friday, 3 March 2023 at 7:49 am. Below the text is a photograph of two men, Brian Doran and Julian Punch, standing in a kitchen. Brian is on the left, wearing a blue polo shirt, and Julian is on the right, wearing a light blue button-down shirt. They are both smiling slightly. The background shows a kitchen with a brick wall and various kitchen items.

The work of Loretta Lohberger of ABC Radio News and TV has greatly contributed to the achievement of an early agreement by the Tasmanian Attorney General to review and establish hate crime legislation for LGBTIQ+ Communities that will ensure payment of Tasmanian Anti-Discrimination Tribunal compensation decisions.

RCT Inc. is keen to maintain the discussion and give victims a voice in the process of review. There are many sub-issues in this that need to be included, such as apologies ordered as a result of tribunal decisions including that of Robert Williams and Alex Devantier, which were never carried out.

We intend to write to the Attorney General and ask to meet with her. Human rights and anti-discrimination lawyer and former Anti-Discrimination Commissioner, Robin Banks has some very good suggestions but there is still the issue of section 90 (1) of the Act re registration of Tribunal decisions in the Supreme Court, as well the involvement of the new Anti-Discrimination Commissioner who has been very quiet and not given us an interview as we have requested. As a consequence there is ongoing work for the organisation in this important state/federal issue.

<https://www.abc.net.au/news/2023-03-03/long-wait-tas-couple-compensation-homophobic-harassment/102042978>



Robin Banks – Human rights / anti-discrimination lawyer and former Tasmanian Anti-Discrimination Commissioner

Finally

I commend this Annual Report to the members and friends of Rainbow Communities Tasmania Inc. for endorsement at the AGM on Saturday, 25 March, 2023, followed by a morning tea at Willie Smiths restaurant.

I want to especially thank RCT Inc. members, and to thank the number of members and friends who have been a vital part of the important advocacy projects being reported on today that are reliant on the self-determination and initiative of people committed to the survival and progress of our community, sometimes in desperate situations that still exist from organisations and ideologies that resist our community's full inclusion and equity.



Julian S. Punch – President, Rainbow Communities Tasmania Incorporated
25 March, 2023